IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14182 of 2004

Between:

1. Konaraju Petteda Weaker Section Housing & Welfare Society
Rep. by its T. Gunasekhar, S/o. T.M. Lakshmiaiah, R/o. 13-51/3,

Kondarajupatteda,L.B. Nagar, M.R. Palle Panchayati, Tirupathi - 517 502.

2. T.Gunasekhar, S/o T.M.Lakshmaiah, Age 38Yrs.,

Occ: Social worker, R/o 13-51/3. Kondarajupatteda,

L.B.Nagar, M.r.Palle Panchayathi, Tirupathi-517 502.

3. V.Jayapal, S/o V.Veda murthy, age 47Yrs., R/o13-51/2,

Kondarajupatteda, l.B.Nagar, M.R.Palle Panchayati, Tirupathi-517 502.

4. A.Jayamani, S/o A.Joseph, age 44Yrs., R/o 13-51/4,

Kondarajupatteda, LO.B.Nagar, M.R.Palle Panchayati, Tirupathi-517 502.

5. K.T.Chalam, S/o K.Kannappa Reddy, age 51Yrs., R/o 13-57/5,

Kondarajupatteda, L.B.Nagar, M.R.Palle Panchayati, Tirupathi-517 502.

6. P.Subramanyam, S/o P.Venkataiah, age 37Yrs., r/o 13-51/1,

Kondarajupatteda, L.B.Nagar, M.R.Palle Panchayati, tirupathi-517 502.

7. S.Jayakumaran, S/o S.Swaminadhan, age 51yrs., r/o 13-50/2,

Kondarajupatteda, L.B.Nagar, M.R.Palle Panchayati, Tirupati-517 502.

8. K.Sarath Chandra, S/o K.Kannaiah, age 37yrs., R/o 13-51/5,

Kondarajupatteda, L.B.Nagar, M.R.Palle Panchayati, Tirupati-517 502.

9. S.Delhi Babu, S/o S.Shanmugham, age 27yrs., R/o 13-51/3,

Kondarajupatteda, L.B.Nagar, M.R.Palle Panchayati, Tirupati-517 502.

10. M.Jaya Prakash, S/o M.N.Subrahmayam, age 27Yrs., R/o 13-49,

Kondarajupatteda, L.B.Nagar, M.R.Palle, Panchayati, Tirupati-517 502.

11. K.Lakshmi, W/o late K.Lakshmaiah, age 55Yrs., R/o 13-51/3,

Kondarajupatteda, L.B.Nagar, M.R.Palle, Panchayati, Tirupati-517 502.

12. S.Sankar, S/o S.Mallaiah, age 40Yrs., R/o 13-186/B,

Kondarajupatteda, L.B.Nagar, M.R.Palle, Panchayati, Tirupati-517 502.

..... PETITIONERS

AND

1 Commissioner of Endowments, Department of Hyderabad.
2 Assistant Commissioner Endowments Department, Chittoor.
3 Regional Joint Commissioner Endowments Multi Zone to Tirupathi, Chittoor District.
4 State of Andhra Pradesh, Rep. by its Secretary,
Revenue Department, Secretariat, Hyderabad.
5 District Collector, Chittoor, Chittoor District.
6 Revenue Divisional Officer, Tirupathi, Chittoor District.
7 Mandal Revenue Officer, Tirupathi (Urban), Tirupathi, Chittoor District.
8 Superitendent of Police, Chittoor, Chittoor District.
9 Assistant Superitendent of Police, Tirupathi, Chittoor District.
10 M.R.Pally Police Station, Rep. by its S.H.O. Tirupathi, Chittoor District.
11 Sri Pangaluri, Arya Vyasa Seethamagari Dharma Sathram,
Kothaveedhi, Tirupathi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Orders more in nature of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the members of the petitioners society's schedule property in Sy. 302 of an extent of Ac. 3-50 cents, M.R. Palli Revenue Village Accounts, Tirupathi, Chittoor District as illegal, arbitrary, unconstitutional and in violation of principles of natural justice and Articles 14,21 and 300(A) constitution of India and without jurisdiction and consequently such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following Order :

Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondent No.11 and also the learned Government Pleader for Endowments appearing for respondents 1 to 3.

The petitioner - Konaraju Petteda Weaker Section Housing and Welfare Society (for

short, 'society') seeks a Writ of Mandamus seeking a declaration that the action of the respondents in interfering with the peaceful possession and enjoyment of the members of the society of an extent of Ac.3-50 cents in Sy.No.302 of Mutyalu Reddy Palli Revenue village Accounts, Tirupathi as arbitrary and illegal.

The case of the petitioner is that the members of the society purchased the land in question from one late M.Subrahmanyam and they have been continuing in possession. However, the Assistant Commissioner of Endowments, Chittoor passed an order dated 24-07-2004 evicting the group of encroachers in Sy.Nos.296 and 302 to a total extent of Ac.42.52 cents. In pursuance of the same, the respondents are taking steps to dispossess the petitioner from the land in question. The said order dated 24-07-2004 is purported to be a consequential order in pursuance of the order of the Deputy Commissioner of Endowments, Kurnool in O.A.No.23 of 2003 dated 09-07-2003 passed under Section 85 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

It is to be noted that W.P.No.14133 of 2004 filed by the wife and children of late M.Subramanyam, challenging the very same proceedings has been disposed of on 10.08.2004 granting liberty to the petitioners therein to avail the remedy of revision as available under the Act and directing the respondents not to implement the order passed under Section 85 of the Act for a period of three weeks. Since the members of the petitioner Society also claim to be in possession of the same land which is the subject matter of W.P.14133 of 2004 and for the reasons stated therein, this Writ Petition is disposed of granting liberty to the members of the Petitioner Society to avail the remedy of revision under the Act, with a direction to the and directing the respondents not to implement the order under Section 85 of the Act in O.A.No.23 of 2003 on the file of the Deputy Commissioner of Endowments, Kurnool as well as the consequential order of the 2nd respondent dated 24-07-2004 for a period of three weeks from today.

Writ petition is accordingly disposed of. No order as to costs.

11-08-2004

klp/bcj

To

1 The Commissioner of Endowments, Department of Hyderabad.
2 The Assistant Commissioner Endowments Department, Chittoor.
3 The Regional Joint Commissioner Endowments Multi Zone to Tirupathi,

Chittoor District.
4 The Secretary State of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad.
5 The District Collector, Chittoor, Chittoor District.
6 The Revenue Divisional Officer, Tirupathi, Chittoor District.
7 The Mandal Revenue Officer, Tirupathi (Urban), Tirupathi, Chittoor District.
8 The Superitendent of Police, Chittoor, Chittoor District.
9 The Assistant Superintendent of Police, Tirupathi, Chittoor District.
10 M.R.Pally Police Station, Rep. by its S.H.O. Tirupathi, Chittoor District.
11 Sri Pangaluri, Arya Vyasa Seethamagari Dharma Sathram,
Kothaveedhi, Tirupathi.

12 2CCs to

13 2CD copies